

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SOUTHWIRE COMPANY, SOUTHWIRE
INTERNATIONAL CORPORATION and
HEPTAGON, LTD.

Plaintiffs

vs

CIVIL 03-1100CCC

RAMALLO BROS. PRINTING, INC.
RAMALLO SCREWS AND BOLTS, INC.
RAMALLO CASTING, INC.
ESTEBAN RAMALLO-DIAZ
ANGEL RAMALLO-DIAZ
INGRID RAMALLO-DIAZ
AIDA RAMALLO-DIAZ
AIDA DIAZ DE RAMALLO and the conjugal
partnership with ESTEBAN RAMALLO
GONZALEZ
ABC INSURANCE COMPANY
and JOHN DOE

Defendant

ORDER

Having considered plaintiffs' Motion Requesting Sanctions Against Ramallo Bros. Printing Pursuant to Fed.R.Civ.P. 37(d) (**docket entry 39**), which remains unopposed, as well as the exhibits attached in support thereof, particularly the letters of August 26, 2004 and September 23, 2004, of defendant's counsel, the same is GRANTED as to the non-appearance of employee Rubén García. Defendant's counsel led plaintiffs to believe that they would arrange for the appearance of Mr. García at the deposition by offering September 28, 2004 as an alternative date to the September 13, 2004 date which had been notified. It is denied as to the other deponent, Guadalupe Meléndez-Sanjurjo, as defendant's counsel provided an explanation in advance regarding why Mr. Meléndez-Sanjurjo could not attend on September 27, 2004, the date suggested by defendant.

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Having considered the Statement of Non-appearance of Rubén García dated September 28, 2004, prepared by Antonio Monte-Vargas, Court Reporter, and the motion for sanctions itself, defendant Ramallo Bros. Printing, Inc. is sanctioned in the amount of \$500.00 to be paid to plaintiffs within the final term of ten (10) days after notice.

The Motion Opposing Plaintiffs' Request of Disclosure of Privileged Information filed by non-party witness Rafael Bassetti (**docket entry 41**), which was addressed to U.S. Magistrate-Judge Gelpí and to which plaintiffs have not responded, is GRANTED.

Defendants' Urgent Motion Requesting Stay of Deposition of Rubén García Due to Lack of Plaintiffs' Adequate Notification to Defendants (**docket entry 42**) is DENIED. The request for costs and fees made by plaintiffs in their opposition (**docket entry 43**) is DENIED.

Plaintiffs Request to Clerk for Entry of Default Concerning Second Amended Complaint (**docket entry 45**), which defendants opposed (docket entry 46), is DENIED. Defendants filed their answer to the second amended complaint on November 10, 2004 (see docket entry 51).

Defendants' Motion to Strike Plaintiffs' Second Amended Complaint (**docket entry 46**) which plaintiffs opposed (docket entry 48), is DENIED.

Defendants' Request for Extension of Time to Oppose Request for Sanctions (**docket entry 47**) is MOOT.

Having considered plaintiffs' Motion Requesting Order to Compel Discovery from Ramallo Bros. Printing, Inc. Pursuant to Fed.R.Civ.P. 37(a) (**docket entry 52**), which remains unopposed, and the two attachments requesting counsel from defendant to hold a Local Rule 26(b) conference on the defendant's discovery responses, which were ignored, the same is GRANTED. Accordingly, defendant Ramallo Bros. Printing, Inc. is ORDERED to provide complete and responsive answers to the requests for productions number 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 & 41 and to interrogatories number 1, 2, 3, 6, 8, 9, 10, 11, 12, 14, 24, 25 & 32 which were both submitted on June 25, 2004. The

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responses shall be provided within the final term of twenty (20) days after notice of this Order. The request to compel regarding interrogatories 15, 16, 17, 18, 19 & 26 is DENIED since movant did not provide sufficient data.

Defendants' Second Request for Modification of Case Management Order and Extension of Discovery Schedule (**docket entry 57**) is DENIED.

The Motion for Leave to Withdraw as Attorney of Record for Ramallo Bros. Printing, Inc. and Request for Enlargement of Time to Respond to Request for Admissions and/or Stay of All Outstanding Discovery Matters filed by attorney Patricio Martínez-Lorenzo (**docket entry 58**) and the Motion for Leave to Withdraw as Counsel for Individual Defendants (**docket entry 59**) filed by attorney Ramón L. Walker-Merino (**docket entry 59**) are GRANTED only as to the withdrawal of movants as attorneys of record for defendant Ramallo Bros. and DENIED as to all other respects. The Notice of Appearance filed by attorney John F. Nevárez (**docket entry 61**) is NOTED.

Defendants' Motion Requesting Extension to File Certified English Language Translation (**docket entry 63**) is MOOT.

Defendants' Motion Submitting Certified English Language Translation (**docket entry 64**) is NOTED.

Plaintiffs' Motion for Extension of Time (**docket entry 65**) is MOOT.

Defendant Ramallo Bros. Printing, Inc.'s Motion for Protective Order (**docket entry 66**), having considered plaintiffs' opposition (**docket entry 68**) and defendant's tendered reply, which has been ordered filed, is DENIED. If the production of documents by ERMPuerto Rico, Inc. (formerly Pedro Panzardi & Associates) was not made due to the pending request for protective order filed by defendant Ramallo Bros. Printing, Inc., plaintiffs shall serve a new subpoena to the third-party describing the same documents that it did in the January 5, 2005 subpoena. Since the discovery could not be conducted within the April 29, 2005 discovery deadline because of the defendant's objections, the subpoena shall be served within the next

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fifteen (15) days and the date of the inspection and copying shall occur within the period of thirty (30) days thereafter. Plaintiffs' Motion Requesting Order to Compel Discovery From ERM Puerto Rico, Inc., pursuant to Fed.R.Civ.P. 37(a) (**docket entry 75**) is rendered MOOT by this ruling.

Defendant Ramallo Bros. Printing, Inc.'s Informative Motion Regarding Protective Order (**docket entry 67**) is NOTED.

Defendant's Motion for Leave to File Reply to Plaintiffs' Opposition to Defendant's Motion for Protective Order (**docket entry 69**) is GRANTED. The reply brief tendered on February 15, 2005, which the Court has already considered, is ORDERED FILED.

Defendants' Urgent Motions for Extension of Discovery and Dispositive Motion Deadlines (**docket entries 71 & 72**) are DENIED, except that the period for the parties to submit their experts' reports is extended until November 15, 2005 for the circumstances outlined in plaintiffs' opposition (docket entry 76), at pages 6-7.

Defendants' Urgent Motion to Extend Deadline to Respond to Plaintiffs' Pending Discovery and Pending Motions (**docket entry 74**) is GRANTED. The extension granted expired on March 21, 2005.

Defendants' Motion to Compel Rule 30(b)(6) Deposition (**docket entry 77**), having considered plaintiffs' opposition (docket entry 78), as well as the interests of both parties and the factors for or against taking the deposition in Puerto Rico or in Georgia, is DENIED. The Court ORDERS that the depositions of the corporate officers of the defendants be taken in

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Georgia since the coordination and travel to Puerto Rico of these non-residents will result in more delays in this case. Accordingly, defendants will submit new notices of deposition to plaintiffs' officers to be taken in Georgia during the month of OCTOBER 2005.

SO ORDERED.

At San Juan, Puerto Rico, on August 25, 2005.

S/CARMEN CONSUELO CEREZO
United States District Judge